



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,972	01/28/2002	Koichi Matsumoto	03500.016126	6706
5514	7590	09/07/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			SCHLACK, SCOTT A	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/055,972	<b>Applicant(s)</b> MATSUMOTO ET AL.	
	<b>Examiner</b> Scott A. Schlack	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/02/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims **1-5** are drawn to an image communication apparatus with an off-hook means, for catching a communications line, in the form of a cordless handset. The cordless handset being capable of enabling previously disabled (sleep mode) features by a parent phone, classified in class 358, subclass 437.

II. Claims **6-11** are drawn to an image communications apparatus comprising an operation panel with a key-lock switch for prohibiting user input, and a reset judging means for judging whether prohibition of the input by said key lock switch is reset or not. Further, the key lock feature is capable of being set for each of the operation keys, classified in class 358, subclass 468.

2. The examiner notes that claims 1-5 were drawn to a first embodiment of the applicant's invention, whereas claims 6-11 are drawn to the second through fifth related embodiments of the applicant's invention.

3. During a telephone conversation with Jennifer Rita (212) 218-2222 on 08/15/2006 a provisional election was made without traverse to prosecute the invention of Matsumoto et al. (US 10/055972), claims **6-11**. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-5 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mori (JP 07-015582) in view of Maclay et al. (US 4,588,901).

6. With respect to claim 6, Mori discloses an image communication apparatus (Facsimile Apparatus of Drawing 1) including an operation panel (Operation Panel of Drawing 3(a)) having operation keys for making said image communication apparatus perform predetermined operation by being operated (Operation Keys 25-34 of Drawing 3(a)), said apparatus comprising: a key lock switch (34 of Drawing 3(a)) for prohibiting an input by operation of at least one of said operation keys (Abstract and paragraph 0005).

Mori et al. does not disclose a reset judging means for judging whether prohibition of the input by said key lock switch is reset or not.

Maclay et al. does disclose a reset judging means for judging whether prohibition of the input by a key lock switch is reset or not (col 1, lines 33-43).

The examiner views the user setting of the timer/counter to be equivalent to the reset judging means as it prohibits the user from inputting data to the electrical

Art Unit: 2625

appliance or device when the judged or allowed time has expired. At this point it resets the key lock state to ON (col 1, lines 33-43).

Mori et al. and Maclay et al. are analogous art, because they are from the same field of endeavor, namely Key Locking and Device Control.

At the time of the invention, it would have been obvious for one skilled in the art to combine Mori et al's image communication apparatus including a key lock switch for locking operation panel keys, with Maclay et al's reset judging means for judging whether prohibition of the input by a key lock switch is reset or not.

The suggestion or motivation for doing so would have been to allow for timer control of the key locking feature, such that the key lock feature is only enabled at certain times.

7. Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori (JP 07-015582) in view of Maclay et al. (US 4,588,901) in further view of Hayes (US 4,718,107).

8. With respect to claim 7, Mori et al. in view of Maclay et al. disclose an image communication apparatus according to claim 6.

Mori et al. in view of Maclay et al. do not disclose wherein the image communications apparatus comprises an attribute storing means for storing an attribute indicating whether the prohibition of the input by said key lock switch is performed or not as to each of said operation keys; and comparing means for comparing the attribute of a key and a setting of said key lock switch.

Hayes does disclose an image communications apparatus (Cable TV system with Converter of Fig 2) comprising a blocked channel number list (*analogous to attributes*) storing means (Converter Memory and col 2, lines 40-42) for storing a blocked channel number (*analogous to attribute*) indicating whether the prohibition of the input by said channel blocking device (*analogous to key lock switch*) (Front Panel Keyboard 69 or Remote Control of Converter 60 of Fig 2) is performed or not as to each of said channels (Memory Storing List of Blocked Channels of Fig 3 and col 2, lines 25-55); and comparing means for comparing the blocked channel (*analogous to attribute*) of a channel selector (Remote Control or Keyboard 69 of Converter 60 of Fig 2) and a channel number to be blocked.

Mori et al. in view of Maclay et al. and Hayes are analogous art, because they are from the same field of endeavor, namely Image Communications Apparatus Control.

At the time of the invention, it would have been obvious for one skilled in the art to combine Mori et al. in view of Maclay et al's image communication apparatus according to claim 6, with Hayes's image communications apparatus comprising a blocked channel number list storing means for storing a blocked channel number indicating whether the prohibition of the input by said channel blocking device is performed or not as to each of said channels; and comparing means for comparing the blocked channel of a channel selector and a channel number to be blocked, such that Mori et al. in view of Maclay et al's image communications apparatus comprises an attribute storing means for storing an attribute indicating whether the prohibition of the input by said key lock switch is performed or not as to each of said operation keys; and

Art Unit: 2625

comparing means for comparing the attribute of a key and a setting of said key lock switch.

The suggestion or motivation for doing so would have been to allow for the key locking feature to be applied to certain keys and not others according to user selection.

9. With respect to claim **8**, Mori et al. in view of Maclay et al. in further view of Hayes disclose an image communication apparatus according to claim 7, wherein the attribute (channel) is stored in said image communication apparatus (Hayes: Converter Memory) by an setting of an operator (Hayes: col 2, lines 40-52 and col 5, lines 6-13).

The examiner notes that the user (analogous to operator) sets the blocked channels, which are stored in the converter memory by means of the keyboard or remote control (Hayes: col 5, lines 6-13).

10. With respect to claim **9**, Mori et al. in view of Maclay et al. in further view of Hayes disclose an image communication apparatus according to claims 6 to 8, further comprising: password storing means for storing a password; password inputting means for inputting a password; and password checking means for checking the password inputted by said password inputting means against the password stored in said password storing means (Hayes: col 5, lines 36-63 and col 6, lines 24-35).

11. With respect to claim **10**, Mori et al. in view of Maclay et al. in further view of Hayes disclose an image communication apparatus according to claims 6 to 8, further comprising: timing means; predetermined time information storing means for storing predetermined time information; and predetermined time judging means for judging

Art Unit: 2625

whether a predetermined time has passed or not (Hayes: col 5, lines 56-67 and col 6, lines 1-4).

The examiner notes that both the "Wrong Guess Timer: and the "Lock Out Timer" of Hayes could be interpreted to meet all the claimed features of the timing means, time information storing means and time judging means (col 5, lines 56-67 and col 6, lines 1-4). Further, the Timer in Maclay et al. could also meet all the claimed features.

12. With respect to claim 11, Mori et al. in view of Maclay et al. in further view of Hayes disclose an image communication apparatus according to claim 9, further comprising: a predetermined time information storing means for storing predetermined time information; and a predetermined time judging means for judging whether a predetermined time has passed or not (Hayes: col 5, lines 56-67 and col 6, lines 1-4).

The examiner cites the explanation given for claim 10, and notes that it also applies to claim 11 as the features are identical

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Davis et al (US 5,822,123) also discloses a channel locking mechanism.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott A. Schlack whose telephone number is (571)272-7954. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on (571)272-7471. The fax phone

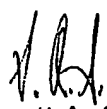



Art Unit: 2625

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**Note to the applicant:** Art Unit 2624 has been redesignated as Art Unit 2625 due to organizational restructuring with the USPTO.

  
Scott A. Schlack

  
**KIMBERLY WILLIAMS**  
**SUPERVISORY PATENT EXAMINER**